

OCT 17 2002  
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PTO/SB/29 (10-00)

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing. CHECK BOX, if applicable  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d)) ☐ DUPLICATE

Addressed to:

Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.	10806-64
First Named Inventor	Vincente Dias et al
Examiner Name	Woitach, Joseph T.
Group Art Unit	1632
Express Mail No.	EL872462018US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/158,272 filed on September 22, 1998,  
entitled Beta Recombinase in Eukaryotic Cells, Especially for Transgenic Work.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a non-provisional application that is either (1) complete as defined by 37 CFR 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior non-provisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gazz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

### CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label #: EL872462018US

Date of Deposit: **October 17, 2002**

I hereby certify that this paper or fee is being deposited with  
the United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date indicated  
above and is addressed to: Box CPA; Commissioner for  
Patents; Washington, DC 20231.

*Niki Dillingham*

10/21/2002 BABRAHA1 00000076 041133 09158272

01 FC:1006  
02 FC:1202  
03 FC:1201

24.00 CH

740.00 OP  
216.00 OP  
480.00 OP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	32 - 20 =	12	x \$18 =	\$ 216.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	9 - 3 =	6	x \$80 =	\$ 480.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	
				BASIC FEE (37 CFR 1.16(a))	\$740.00
				One-Month Extension of Time	\$110.00
				Total of above Calculations =	\$1546.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.19, 1.27, 1.28)				
				TOTAL =	\$1546.00

6. Small entity status:

a. ☐ A small entity statement is enclosed.

b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

c. ☐ is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1133:

a. ☒ Fees required under 37 CFR 1.16

b. ☒ Fees required under 37 CFR 1.17.

8. ☒ A check in the amount of \$1546.00 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant request suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New attorney docket number, if desired \_\_\_\_\_ (prior docket number will carry over if not provided).

12. a. ☐ Receipt for Facsimile-Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (should be specifically itemized, see MPEP 503)

13. ☒ Other: Request for One Month Extension of Time and \$110.00 fee

**NOTE** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label 24256 or ☐ Correspondence Address Below

Name \_\_\_\_\_

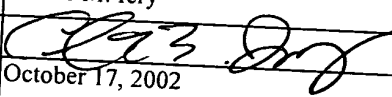
Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

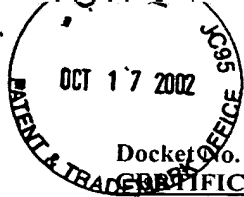
Country \_\_\_\_\_ Telephone \_\_\_\_\_ Fax \_\_\_\_\_

**15. SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name Clare M. Iery

Signature 

Date October 17, 2002



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10/24/02

Docket No. 10806-64

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Date of Deposit: October 17, 2002

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*NH Dillingham*

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Vincente Dias et al : Paper No.:  
Serial No.: 09/158,272 : Group Art Unit: 1632  
Filing Date: Parent filed September 22, 1998 : Examiner: Voitach, Joseph T.  
For: **Beta Recombinase in Eukaryotic Cells, Especially for Transgenic Work**

**PRELIMINARY AMENDMENT**

Box CPA  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In response to the Official Action dated June 17, 2002, please amend the present Continued Prosecution Application (CPA) as follows:

**In the Claims:**

Please cancel claims 31 and 52.

Please amend claims 27, 28, 32, 43, 53-55, 60 and 61 to read as follows:

E1  
JLF  
27. (Fourth Amendment) A method for mediating transgenic intramolecular recombination selected from deletions of DNA sequences located between two *six* sites and inversions of DNA sequences located between two *six* sites, in mammalian cells, comprising the step of transfecting mammalian cells with prokaryotic beta recombinase and DNA sequences containing *six* sites that allow recombination activity; wherein the prokaryotic beta